

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Chapter VIII, Rule 32(2)(b)

Description of the case

Special Appeal No. 62 of 2004

Date of decision: 3rd November, 2004.

For the Approval of:

Hon'ble Chief Justice V.S. Sirpurkar

Hon'ble Mr. Justice Irshad Hussain

-Whether the order/judgment should be sent to the
Reporters for reporting? ()

-Whether the reporters be allowed to see the
judgment? ()

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IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Special Appeal No. 62 of 2004

Anar Singh
S/o Shri Kishori Singh,
R/o Village Faundapur,
P.S. Gajrola,
District Jyotibaphule Nagar Petitioners

Vs.
State of Uttaranchal and others..... Respondents.

.....
Mr.Sanjay Kaushik, learned counsel for the petitioner.
Mr, J.P.Joshi, Addl. C.S.C., learned counsel for the State.

Coram: Hon. V.S.Sirpurkar, C.J.
Hon. Irshad Hussain, J .

Dated: 03.11.2004.

PC:

1. Heard learned counsel for the parties.
2. We are not convinced at all that this appeal deserves to be admitted. In our opinion, the learned Single Judge has given good reasons and has relied upon on Rule 8 (2)(b) of the U.P. Police Officers of the Subordinate Ranks (Punishment and Appeal) Rules 1991, whereby there exists power with the Disciplinary Authority to dispense with the departmental enquiry and dismiss a police personnel. The only condition is that reasons have to be recorded in writing and it is not reasonably practicable to hold enquiry. Those reasons have been justified by the State saying that the petitioner had been prosecuted for the offence of rape, he himself being Constable at that time. It is also submitted that he has good connections with the criminals and thereby no offence could be brought home against him as in all probability, the witness would think twice while deposing against him.
3. We have seen the judgment. The judgment shows that even the prosecutrix turned hostile alongwith other witnesses. Under these circumstances, Disciplinary Authority went on with the procedure mentioned in Rule 8 of the U.P. Police Officers of the Subordinate Ranks

(Punishment and Appeal) Rules 1991. We do not think any injustice has been done to the petitioner.

The appeal is dismissed accordingly.

(Irshad Hussain, J.)

(V.S.Sirpurkar, C.J.)

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